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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 5th Day of June 1998

BEFORE

THE HON'BLE MR. JUSTICE CHANDRASHEKARAIAH

WRIT PETITION NO.10040/1997

Between:

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1. Sri.Mehaboob Pasha,
S/o.Sri.Budde Dadesab,
aged about 65 years,
Tailor, resident of
Mittikeri Street,
Koppal, Raichur district.
 2. Sri.Inam Hussain,
S/o.Sri.Budde Dadesab,
aged about 63 years,
Agriculturist, resident
of Devaraj Urs Colony,
Koppal, Raichur District.
 3. Sri.Rehman Basha,
S/o.Sri.Budde Dadesab,
aged about 57 years,
Tailor, resident of
Mittikeri Street, Koppal,
Raichur District.
 4. Sri.Jaffer Hussain,
S/o.Sri.Budde dadesab,
aged about 53 years,
residing at Mittikeri Street,
Koppal, Raichur District.
 5. Sri.Gulam Hussain,
S/o.Sri.Budde Dadesab,
aged about 43 years,
resident of Mittikeri
Street, Koppal,
Raichur District.

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6. Sri.Khaja Hussain,
S/o.Sri.Budde Dadesab,
aged about 40 years,
Govt. Servant, resident
of Hatti, Mittikeri
Street, Koppal,
Raichur District.

7. Sri.Ibrahim Khaleel,
S/o.Sri.Budde Dadesab,
aged about 37 years,
Mechanic, resident of
Jawahar Road, Koppal,
Raichur District.

...PETITIONERS

Petitioners 2 to 7 are represented
by their General Power of Attorney
Holder the First Petitioner.

(By Sri.K.Govindaraju, Adv.)

And:

1. The Director, Department of
Municipal Administration,
Visveswararajah Towers,
Bangalore - 560 001.

2. The Deputy Commissioner,
Raichur District,
Raichur.

3. The Town Municipality,
Koppal, Raichur district,
rep. by its Chief Officer.

...RESPONDENTS

(By Sri.K.Nagaraja, HCGP)

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This Writ Petition is filed under Articles
226 and 227 of the Constitution of India with a
prayer to quash vide Annexure 'G' and 'H' dated
26.3.97 and 12.3.93 respectively.

This Writ Petition coming on for Preliminary Hearing in 'B' Group this day, the Court made the following:-

O_R_D_E_R

The petitioners have challenged the order of the Deputy Commissioner passed under Section 306(1) of the Karnataka Municipalities Act and the endorsement in this Writ Petition.

2. [✓] ~~The~~ Deputy Commissioner passed an order under Section 306(1) of the Act, ^{which} ~~is~~ required to ^{be Submitted} ~~submit the proceedings~~ to the State Government to pass the final order under Sub-Section(2) of Section 306 of the act. In this Writ Petition, it is not known whether the Government has passed the order after notice to the Municipal Council. If at all if the petitioners are aggrieved by the order passed by the Deputy Commissioner, it is open for the petitioners to move the Divisional Commissioner to pass a final order as required under Section 306(2) of the Act. In the said view of the matter

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I do not propose to interfere in this Writ Petition.

Accordingly, this Writ Petition is rejected.

Sd/-
JUDGE



sps/-